

REMARKS

In the December 11, 2007 Office Action, the Examiner withdrew the prior rejections and issued new rejections of pending claims 1-65. Applicants respectfully thank the Examiner for withdrawing the prior rejections. In the Office Action, the Examiner rejected claims 1-2, 6-8, 11-12 and 56-65 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,335,688 to Sweatte, rejected claims 3-5, 9-10 and 13-36 under 35 U.S.C. §103 as being obvious over Sweatte in view of U.S. Patent No. 5,467,403 to Fishbine et al., and rejected claims 37-52 under 35 U.S.C. §103 as being obvious over Sweatte in view of Fishbine et al. and further in view of U.S. Patent No. 6,320,974 to Glaze et al. Applicants respectfully traverse the Examiner's rejections of the pending claims.

In the Office Action, the Examiner addresses the housing element as follows: "a housing (note, fig. 2, check-in station corresponds to housing)." At col. 5, lines 56-57, Sweatte states "FIG. 2 shows a side view of an airline check-in station" FIG. 2 of Sweatte appears to show "the normal counter 8 commonly found at airports" (see col. 5, lines 56-57) sitting on the floor of the airport terminal and at some distance away a camera 10 mounted to a wall of the airport terminal. This arrangement shown in FIG. 2 of Sweatte cannot possibly satisfy the elements of claim 1 of the present application (or any claims depending therefrom). Specifically, claim 1 recites a camera and a document scanning to be mounted in the same housing.

The term "housing" has a common and ordinary meaning that can be found in any dictionary:

2. a. Something that covers, protects or supports. b. A frame, bracket or box for holding or protecting a mechanical part. c. A frame in which a shaft revolves. Webster's II New College Dictionary (1995)

2: Something that covers or protects: as a: a case or enclosure (as for a mechanical part or instrument) b: a casing

(as an enclosed bearing) in which a shaft revolves c: a support (as a frame) for mechanical parts. Webster's ninth New Collegiate Dictionary (1990).

Here, claim 1 specifically recites that the camera and document scanner are mounted *in* the claimed housing. As such, the housing must be a case or enclosure. Further, claims 6 and 8 each recite that the housing comprises various compartments that house the document scanner and camera. Indeed, FIGs. 1-8 of the present application explicitly show such a casing or enclosure.

In FIG. 2 of Sweatte, the camera 10 is mounted to a wall of the airport terminal while the scanner 28 is mounted to a "normal counter" 8 sitting on the floor of the airport terminal. The notion that the counter 8 and wall of the airport terminal somehow form a single housing is simply wrong. They do not constitute a case or enclosure, are not integral with each other, do not have the required compartments (per claims 6 and 8) and cannot possibly satisfy the housing recited in claim 1 of the present application. For at least this reason, pending claims 1 and 6 (and all claims depending therefrom) are patentable over Sweatte and the combinations set forth by the Examiner.

A review of claim 9 and the Examiner's rejection of that claim as obvious over Sweatte in view of Fishbine further exemplifies the error in the Examiner's application of Sweatte to the pending claims. Claim 9 recites that the identification system of claim 8 further comprises a handle. Given that the Examiner appears to be reading the claim term "housing" on a wall of an airport terminal, it is extremely difficult to envision any motivation whatsoever for adding a handle to that wall.

Still further, Applicants have amended claim 3 to recite that the system is portable. (See present disclosure at paragraph [38].) Given that the Examiner's reading of Sweatte includes an airport wall and floor as part of the claimed housing, the system cannot possibly be portable.

With respect to claim 12, the Examiner appears to have overlooked the amendment made by Applicants on February 26, 2007. Specifically, claim 12 was amended as follows:

12. (Currently Amended) An identification system comprising:
a computing device;
a document scanner connected to said computing device;
a camera connected to said computing device; and
a fingerprint scanner connected to said computing device;
wherein said document scanner scans documents and supplies images of said documents to said computing device, said camera supplies facial images to said computing device, and said fingerprint scanner scans fingerprints and supplies images of said fingerprints to said computing device; wherein said computing device performs a comparison of at least one of a facial image supplied by said camera to a facial image from a document scanned by said document scanner or an image of a fingerprint supplied by said fingerprint scanner to a fingerprint image from a document scanned by said document scanner.

The December 11, 2007 Office Action completely ignores the final phrase of claim 12 that was added to the claim on February 26, 2007. With respect to claim 56, which recites this same comparison, the Examiner asserts that the comparison is disclosed in Sweatte at col. 5, lines 55-67 and col. 6, lines 1-19. A review of that section of Sweatte, however, reveals that nowhere does it disclose or suggest this comparison. Rather, it states that (1) an ID may be scanned, (2) a digital photo may be taken, and (3) positive identification is made by means of a fingerprint or retinal scanner. Nothing in Sweatte suggests that a scanned photograph from an ID be compared to a digital facial image taken by the camera. Indeed, in the next paragraph (col. 6, lines 21-26), Sweatte specifically states that the scanned ID and digital photo taken by the camera are compared to law enforcement databases rather than to each other.

For all these reasons, all of the pending claims are patentable over the references cited by the Examiner, and the rejections should be withdrawn.

Applicants do not believe any fees are due in connection with this application. If any fees are due in connection with the Application, including any additional necessary extension of time, such fees may be charged to Deposit Account 50-2837.

Respectfully submitted,

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